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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,577	12/15/2000	Jung-Kwon Heo	1293.1168/ MDS	3657

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,577

Applicant(s)

HEO, JUNG-KWON

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-35 is/are allowed.
- 6) ☒ Claim(s) 1-5,9-15,19-24,28-30,36-41,46-51,55-59 and 61-66 is/are rejected.
- 7) ☒ Claim(s) 6-8,16-18,25-27,42-45,52-54 and 60 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-11, 36-41, 56-59, 63 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Koizumi et al (US 5,422,868).

Koizumi et al., according to Figs. 1-5, show a recording apparatus for an audio recording medium comprising a plurality of tracks on which audio data (music pieces) are recorded; and identification data (data in T_s period and music piece start signal) for identifying a start position of each of the tracks recorded in write unit segregated from the audio data in the plurality of tracks (see Fig. 5) as recited in claims 1 and 55.

Regarding claims 2-5, 9 and 10 see Fig. 5, and it is noted that data in the silent part corresponding to period T_s in Fig. 5 is interpreted as mute data as further recited in claims 4, 5 and 10, and the silent part is interpreted as a control information area in which information on mute period is recorded as further recited in claim 9, and since data in period T_s is silent data, therefore its index must be equal to 0. as recited in claim 10.

Regarding claim 11, see respective disclosure of Fig. 3-5 and also see column 7, line 36 through column 8, line 6.

Regarding claim 36, see the rejection applied to claim 1.

Regarding claims 37 and 38, see Fig. 5 and respective disclosure.

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Regarding claims 39- 41, see a write unit generator (22, 26-28) for generating at least one write unit of identification data indicating a start position of each of the tracks and at least one write unit of the audio data segregated from the at least one write unit of the identification data in each of the tracks (see Fig. 5) and a recording portion (23, 25) for recording the at least one write unit of identification data and at least one write unit of the audio data in each track; and a controller (CPU) for outputting a command to the write operation. Note see Fig. 5 for limitations in claim 40.

Regarding claims 56-58, see Fig. 5, and it is noted that data in the silent period T_s in Fig. 5 is interpreted as mute data, and wherein the silent part corresponding to the period T_s is interpreted as a control information area in which information on mute period is, and since data in period T_s is silent data, therefore its index must be equal to 0.

Regarding claim 59, see respective disclosure of Fig. 3-5 and also see column 7, line 36 through column 8, line 6.

Regarding claim 63, see Figs. 3-5 of Koizumi et al. which show a recording apparatus comprising: a processor (22, 26-29) for generating at least one write unit of identification data indicating a start position of each of the tracks and at least one write unit of the audio data segregated from the at least one write unit of the identification data in each of the tracks (see Fig. 5) and a recording portion (23, 25) for recording the at least one write unit of identification data and then the at least one write unit of the audio data in each track (see Fig. 5).

Regarding claim 64, see silent part in period T_s shown Fig. 5..

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3. Claims 1-5, 9-15, 19-24, 28-30, 46-51, 55-59, 61, 62, 65 and 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Schylander et al (US 5,530,686).

Regarding claims 1 and 55, see Figs. 1-3 of Schylander et al, show a recording medium comprising a plurality of tracks (AT1, AT2 ...); audio data (audio information recorded in audio part AP) recorded in the plurality of tracks; and identification data (silent data DS or room noise RN in prepart PP) for identifying a start position of each of the tracks recorded in write unit segregated from the audio data in the plurality of tracks as recited in claim 1 and 55.

Regarding claims 2-5, 9 and 10, see data (DS or RN) and audio recorded in unit as shown Fig. 1 or 3. Note: data (DS or RN) is interpreted as mute data, and since data (DS or RN) is silent data, therefore its index must be equal to 0.

Regarding claim 11, see Fig. 1 or 3 which shows a recording medium in which identification data (silent data DS or room noise RN in prepart PP) indicating a start position of each of the tracks are recorded in predetermined write units (prepart PP), and audio data (audio information recorded in audio part AP) are recorded in write units (part AP) segregated from the predetermined write units in a plurality of tracks, as recited this claim.

Regarding claim 12, see column 3, line 65 through column 4, lines 16.

Regarding claims 13-15, see data (DS or RN) and audio recorded unit as show in Fig. 1 or 3. Note: data (DS or RN) is interpreted as mute data.

Regarding claims 19 and 20, , see data recorded in a control information area (are LI or ID), and further noted that since data (DS or RN) is silent data, therefore its index must be equal to 0.

Regarding claim 21, see column 3, line 65 through column 4, lines 16.

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Regarding claims 22-24, see data (DS or RN) and audio recorded unit as show in Fig. 1 or 3. Note: data (DS or RN) is interpreted as mute data.

Regarding claim 28, see column 3, line 65 through column 4, lines 16.

Regarding claims 29-30, see data (DS or RN) and audio recorded unit as show in Fig. 1 or 3. Note: data (DS or RN) is interpreted as mute data.

Regarding claims 46-49, see Fig. 1 or 3 and see column 3, line 65 through column 4, lines 16. Also, see the operation of Figs. 4-6.

Regarding claim 50, see data (DS or RN) and audio recorded unit as show in Fig. 1 or 3. Note: data (DS or RN) is interpreted as mute data.

Regarding claim 51, see Fig. 1 or 3 and see column 3, line 65 through column 4, lines 16. Also, see the operation of Figs. 4-6.

Regarding claims 55-58, see the duration of data (DS or RN) recorded in prepart PP located between the audio tracks as show in Fig. 1 or 3. Note: data (DS or RN) is interpreted as mute data, and since data (DS or RN) is silente data, therefore its index must be equal to 0.

Regarding claim 59, see the rejection applied to claim 11.

Regarding claims 61, 62, 65 and 66, see Fig. 1 or 3 and see column 3, line 65 through column 4, lines 16. Also, see the operation of Figs. 4-6.

Allowable Subject Matter

4. Claims 6-8, 16-18, 25-27, 42-45, 52-54 and 60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Claims 31-35 are allowed.

Claims 6-8, 16-18, 25-27, 31-35, 42-45, 52-54 and 60 are allowed over the prior art of record because the prior art of record, considered in combination or individually fails to suggest or fairly teach an audio recording medium including all limitations as recited in each of claims 6 and 7, or a method or apparatus for recording data including all limitations as recited in each of claims 16, 17, 31, 42, 43 and 60, or a method for reproducing data including a combination of all limitations as recited in each of claims 25, 26 and 52. Claims 8, 18, 27, 32-35, 44, 45, 53 and 54 are allowable with their respective parent claim.

Cited References

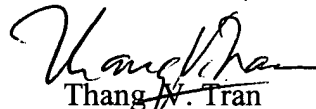
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a data recording medium having silent data recorded at the start position of an audio data.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (703) 308-1551. The examiner can normally be reached on Tuesday to Friday, from 7:30AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang N. Tran
Primary Examiner
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